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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,205	10/28/2003	Bennett M. Richard	D5407-216	4513
25397	7590	10/17/2006		
DUANE, MORRIS, LLP 3200 SOUTHWEST FREEWAY SUITE 3150 HOUSTON, TX 77027			EXAMINER COZART, JERMIE E	
			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/695,205	Applicant(s) RICHARD ET AL.	
	Examiner Jermie Cozart	Art Unit 3726	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 10,11 and 15-17.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4-9 and 12-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


JERMIE E. COZART
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: In response to Applicant's arguments regarding the rejection of claim 1 under 35 U.S.C. 102(e) in view of Echols, claim 1 as presented does not preclude securing the filter layer to the base pipe by welding, this fact is supported by the limitations of claims 5 and 9, wherein each of the limitations of these respective claims require "securing the filter layer to the base pipe without welding, adhesives or mechanical fasteners". Therefore, the scope of claim 1 does not prevent the filter layer from being secured to the base pipe by welding as well as expansion. In Echols, the protective jacket (42) is welded to the base pipe (38) not the filter layer (40), the filter layer (40) is located between the jacket (42) and base pipe (38). Echols does not teach in any portion of the specification or claims, welding the filter layer (40) to the base pipe. The filter layer (40) is essentially secured to the base pipe (38) by expansion of the base pipe (38) which radially compresses the filter (40) between the base pipe (38) and jacket (42). See column 5, lines 1-4. Therefore, the radial expansion of the base pipe (38) secures the filter layer (40) to the base pipe (38) by expansion. In addition, Applicant has not shown where Echols discloses welding the filter layer (40) to the base pipe (38). Applicant repeatedly argues that the jacket (42) is secured to the base pipe (38) by welding which the Examiner does concede, however, nowhere in the disclosure of Echols is there a teaching of welding the filter layer (40) to the base pipe (38). The only teaching of securing the filter layer (40) to the base pipe (38) is by radial expansion of the base pipe (38) and subsequent compression of the filter layer (40) thereon. For the reasons cited above, the Examiner maintains that the rejection of claims 1, 2, 4, and 6-8 as being anticipated by Echols is proper.